

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

BOARD OF EDUCATION OF SHELBY)
COUNTY, TENNESSEE, et al.,)

Plaintiffs,)

v.)

No. 11-2101

MEMPHIS CITY BOARD OF)
EDUCATION, et al.,)

Defendants.)

AFFIDAVIT OF RICK MASSON

I, Rick Masson, being first duly sworn, depose and state as follows:

1. My name is Rick Masson, and I am over the age of eighteen years, of sound mind, and have personal knowledge of the matters contained in my affidavit.

2. I have been approached by the Court for appointment as special master in the case of *Board of Education of Shelby County, Tennessee, et al., v. Memphis City Board of Education, et al.*, Case No. 11-2101 in the United States District Court for the Western District of Tennessee.

3. Twenty-eight U.S.C. § 455 requires disqualification where a special master: (1) has a personal bias or prejudice

concerning a party, or personal knowledge of disputed evidentiary facts about the proceeding; (2) has served as a lawyer in the matter, or a lawyer with whom he has practiced law served during their association as a lawyer concerning the matter, or the special master or the formerly associated lawyer has been a material witness concerning the matter; (3) has served in governmental employment and in such capacity participated as counsel, adviser or material witness concerning the proceeding or expressed an opinion about the merits of the case; (4) knows that he, individually or as a fiduciary, or his spouse or minor child residing in his household, has a financial interest in the subject matter in controversy or in a party to the proceeding, or any other interest that could be substantially affected by the outcome of the proceeding; (5) or his spouse, or a person within the third degree of relationship to either of them, or the spouse of such a person is: (a) a party to the proceeding, or an officer, director, or trustee of a party; (b) acting as a lawyer in the proceeding; (c) known by the special master to have an interest that could be substantially affected by the outcome of the proceeding; (d) to the special master's knowledge likely to be a material witness in the proceeding.

4. Section 455 also provides that a special master shall disqualify himself in any proceeding in which his impartiality might reasonably be questioned.

5. I have reviewed 28 U.S.C. § 455 and swear that there are no grounds for disqualifying me under the statute.

FURTHER AFFIANT SAYETH NOT.

Executed on March 5, 2013.

Rick Masson
Rick Masson

Sworn to and subscribed before me this 5th day of March, 2013.

Brenda Parker

Notary Public

My Commission Expires: 12-16-13

